

[D.I. 104]

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

KIM PAYTON-FERNANDEZ, LAVERN  
COLEMAN, and DARNIEL WILLIAMS,  
individually and on behalf of  
all other persons similarly  
situated,

Plaintiffs,

v.

BURLINGTON STORES, INC., et  
al.,

Defendants.

Civil No. 22-608 (AMD)

**FINAL ORDER APPROVING SETTLEMENT**  
**AND ENTERING JUDGMENT**

This matter having come before the Court by way of motion [D.I. 104] of Plaintiffs, Kim Payton-Fernandez, Lavern Coleman, and Darniel Williams, individually and on behalf of others similarly situated, for approval of a settlement agreement under the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*; and for the reasons set forth in the Court's Memorandum Opinion entered on this date; and for good cause shown:

IT IS on this **23rd** day of **December 2024**,

**ORDERED** that Plaintiffs' motion [D.I. 104] for settlement approval shall be, and is hereby, **GRANTED**; and it is further

**ORDERED** that the proposed settlement of this FLSA action is approved, with the exception of the mutual general releases; and it is further

**ORDERED** that this action shall be finally designated, for settlement purposes only, as a collective action under the FLSA consisting of "All Assistant Store Managers ('ASMs') who worked in any of Burlington's stores in the United States at any time between February 4, 2019, and February 28, 2021, except for ASMs who participated in the *Goodman* settlement, for whom the period shall be August 20, 2020 to February 28, 2021;" and it is further

**ORDERED** that the proposed notice of settlement to opt-in members [D.I. 104-3, Ex. 2] submitted by Plaintiffs shall be, and is hereby, approved for distribution to collective members; and it is further

**ORDERED** that Plaintiffs' counsel's request for an award of attorneys' fees in the amount of \$1,733,333.00 is hereby approved; and it is further

**ORDERED** that Plaintiffs' request for service awards in the amount of \$10,000.00 to each named plaintiff, Kim Payton-Fernandez, Lavern Coleman, and Darniel Williams, for a total of \$30,000.00, is hereby approved; and it is further

**ORDERED** that Plaintiffs' request for approval of a PAGA payment in the amount of \$15,000 is granted; and it is further

**ORDERED** that the settlement administrator's fees and expenses for settlement administration, up to a total amount of \$65,275, are hereby approved; and it is further

**ORDERED** that Plaintiffs' request for reimbursement of expenses in the amount of \$51,259.10 is hereby approved; and it is further

**ORDERED** that the mutual general release provisions in the settlement agreement, as revised pursuant to Paragraph 6 of the Rider to Settlement Agreement [D.I. 111-1], are hereby stricken; and it is further

**ORDERED** that final judgment is entered in the above-captioned matter in accordance with this Final Order Approving Settlement and the settlement agreement; and it is further

**ORDERED** that any statute of limitations for the claims of any Opt-Out plaintiffs as to the claims that were asserted in the amended complaint are and have been tolled from May 2, 2022 through 30 days after the opt-out period; and it is further

**ORDERED** that all claims of the named plaintiffs and participating collective members are dismissed with prejudice.

s/ Ann Marie Donio  
ANN MARIE DONIO  
UNITED STATES MAGISTRATE JUDGE